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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JEFFREY HOSMER,	Case No. 3:17-cv-00056-RCJ-WGC
Plaintiff,	ORDER
v.	
BRIAN SANDOVAL et al.,	
Defendants.	

I. DISCUSSION

On January 30, 2017, Plaintiff, then a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), initiated this prisoner civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 1). On February 12, 2018, this Court issued an order acknowledging Plaintiff’s death and granted 90 days for any party or decedent’s successor or representative to file a motion to substitute. (ECF No. 8).


Pursuant to Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent’s successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1).

The 90-day period has passed and there has been no motion for substitution. As such, the Court dismisses the case.

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It is further ordered that the Clerk of the Court shall enter judgment accordingly.


UNITED STATES DISTRICT JUDGE